

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF NEBRASKA

JOHN BERNHOLT, and BERNHOLT  
DESIGN SOLUTIONS, INC.,

Plaintiffs,

vs.

JEFF ALLEN, ABP ENGINEERING, LLC,  
MMIS HOLDINGS, LLC, and MIDWEST  
MECHANICAL INDUSTRIAL  
SERVICES, LLC,

Defendants.

**8:19CV419**

**PROGRESSION ORDER  
(AMENDED)**

IT IS ORDERED that the parties' Joint Motion to Modify Progression Order (Filing No. 29) is granted. The final progression order is amended as follows:

- 1) The deadline for completing written discovery under Rules 33, 34, 36 and 45 of the Federal Rules of Civil Procedure is June 16, 2020. Motions to compel written discovery under Rules 33, 34, 36, and 45 must be filed by June 30, 2020.

**Note:** A motion to compel, to quash, or for a disputed protective order shall not be filed without first contacting the chambers of the undersigned magistrate judge to set a conference for discussing the parties' dispute.

- 2) The deadline for identifying expert witnesses expected to testify at the trial, (both retained experts, ([Fed. R. Civ. P. 26\(a\)\(2\)\(B\)](#)), and non-retained experts, ([Fed. R. Civ. P. 26\(a\)\(2\)\(C\)](#)), is July 7, 2020.
- 3) The deadlines for complete expert disclosures<sup>1</sup> for all experts expected to testify at trial, (both retained experts, ([Fed. R. Civ. P. 26\(a\)\(2\)\(B\)](#)), and non-

---

<sup>1</sup> While treating medical and mental health care providers are generally not considered "specially retained experts," not all their opinions relate to the care and treatment of a patient. Their opinion testimony is limited to what is stated within their treatment documentation. As to each such expert, any opinions which are not stated within that expert's treatment records and reports must be separately and timely disclosed.

retained experts, ([Fed. R. Civ. P. 26\(a\)\(2\)\(C\)](#)), are:

For the plaintiff(s):	August 4, 2020.
For the defendant(s):	September 3, 2020.
Plaintiff(s)' rebuttal:	September 17, 2020.

- 4) The deposition deadline, including but not limited to depositions for oral testimony only under Rule 45, is October 9, 2020.
- 5) The deadline for filing motions to dismiss and motions for summary judgment remains October 26, 2020.
- 6) The deadline for filing motions to exclude testimony on *Daubert* and related grounds is now October 26, 2020.
- 7) Motions in limine shall be filed seven days before the pretrial conference. It is not the normal practice to hold hearings on motions in limine or to rule on them prior to the first day of trial. Counsel should plan accordingly.
- 8) Any unexpired deadlines and hearings not explicitly amended by this order are unchanged.
- 9) The parties shall comply with all other stipulations and agreements recited in their Rule 26(f) planning report that are not inconsistent with this order.
- 10) All requests for changes of deadlines or settings established herein shall be directed to the undersigned magistrate judge, including all requests for changes of trial dates. Such requests will not be considered absent a showing of due diligence in the timely progression of this case and the recent development of circumstances, unanticipated prior to the filing of the motion, which require that additional time be allowed.

Dated this 17th day of April, 2020.

BY THE COURT:

s/ Cheryl R. Zwart  
United States Magistrate Judge